IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 34662 of 2007(B)

PETITIONER:

K.T.SANY, AGED 58 YEARS,
S/O. K.V.THOMAN, KALAPPURACKAL HOUSE,
MALAPALLIPURAM P.O., MALA, TRICHUR-680 732.

BY ADV. SMT.P.K.SANTHAMMA

RESPONDENTS:

1. **REGIONAL PROVIDENT FUND COMMISSIONER,**
   EMPLOYEES PROVIDENT, FUND ORGANISATION,
   REGIONAL OFFICE, 28/WASIRPUR INDUSTRIAL AREA,
   CONNAUGHT PLACE, NEW DELHI-110 001.

2. **THE ASST. GENERAL MANAGER (CPF),**
   FOOD CORPORATION OF INDIA, HEAD QUARTERS,
   16-20, BARAKHAMBA LANE, NEW DELHI-110 001.

3. **THE EXECUTIVE DIRECTOR (SOUTH),**
   FCI-ZONAL OFFICE, NO.3, HADDOWS ROAD,
   NUNGAPPAKKAM, CHENNAI-6.

4. **THE DISTRICT MANAGER, FOOD CORPORATION**
   OF INDIA, DISTRICT OFFICE,
   MULANKUNNATHKAVU, THRISSUR.

R1 (BY SRI.N.N. SUGUNAPALAN, SC, P.F.
(SMT.T.N.GIRIJA, SC,EPF ORGANISATION
R2 TO R4 SRI.P.JACOB VARGHESE, SC, FCI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

V.GIRI,J.

W.P (C) No. 34662 of 2007

Dated this the 3rd December, 2007

J U D G M E N T

Petitioner was an employee of the Food Corporation of India. The petitioner voluntarily retired from service on 1.10.2004 as Assistant Gr.I of the Food Corporation of India, District Office, Thrissur. Employees Family Pension Scheme was introduced in FCI in 1996. The details of the employees pension scheme is contained in Ext.P1. It is admitted that the petitioner is a member of the employees pension scheme, which is a contributory pension scheme. Payment of contribution is as per clause - iii of Ext.P1. The petitioner has eligible service and is entitled to get pension. His grievance is that necessary returns are not forwarded to the first respondent, the Regional Provident Fund Commissioner and therefore the pension is yet to be disbursed to him.

3. Mr. Jacob Varghese, learned standing counsel for the Food corporation of India, on instructions, submits that he has already instructed the competent authority to forward the annual return, in relation to the petitioner and needful shall be done without any further delay. Standing counsel for the first respondent Smt.Girija submits that immediately on receipt of the

annual return from the FCI, steps will be taken to disburse the pension due and admissible to the petitioner. These submissions are recorded.

4. In the circumstances, the writ petition is disposed of in the following terms:

1) Annual return, relating to the petitioner, for the purpose of Employees Pension Scheme, shall be forwarded by the concerned District Manager of the Food Corporation of India, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment, to the first respondent - Regional Provident Fund Commissioner.

2) Immediately on receipt of the said annual return from the District Manager of the Food Corporation of India, the first respondent- Regional Provident Fund Commissioner shall verify the eligibility of the petitioner in relation thereto and then proceed to disburse pension due and admissible to him, within a period of one month thereafter. It is made clear that if there is delay in forwarding of the annual return, then the Food Corporation of India will be made liable for payment of interest for the amount due to the petitioner, after the period of one

month as mentioned above. Similarly, if there is delay in the disbursal of pension due to the petitioner, after receiving of the annual return, first respondent will also liable to pay interest to the petitioner for the delayed payment.

V. GIRI, JUDGE

ma/

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007